

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**OPERATION UNIFICATION
INC., et al.,**

Plaintiffs,

v.

**GENESEE COUNTY
MUNICIPALITY, et al.,**

Defendants.

18-cv-13779

HON. TERRENCE G. BERG

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

This is a civil rights case brought by *pro se* Plaintiffs Operation Unification Inc., Charles Young Group, Charles Young, Jr., and Lela McGee-Harvey. Plaintiffs describe Operation Unification as the first minority-owned developer to obtain Community Housing Development Organization status from the United States Department of Housing and Urban Development. They filed this lawsuit because of Operation Unification Inc.'s alleged inability to procure real estate development contracts in the wake of a 2013 case brought by the City of Flint against Operation Unification Inc. in the Seventh Judicial Circuit Court for Genesee County, State of Michigan, and related alleged constitutional violations. Plaintiffs filed the instant case to ask this Court to intervene in the pending state court action. In response, Defendants Genesee

County, Genesee County Circuit Court, and the Genesee County Treasurer¹ filed a motion to dismiss the case under Rule 12(b)(1) of the Federal Rules of Civil Procedure, urging that Plaintiffs lack standing and that this Court must abstain from interfering in state court proceedings under the principles expressed in *Younger v. Harris*, 401 U.S. 37 (1971), and refrain from entering injunctive relief in accordance with the Anti-Injunction Act, 28 U.S.C. § 2283, and Tax Injunction Act, 28 U.S.C. § 1341. On December 10, 2018, this Court referred all pretrial matters to Magistrate Judge R. Stephen Whalen. *See* Dec. 10, 2018 Min. Entry (ECF No. 4).

Presently before the Court is a Report and Recommendation on the pending motion to dismiss issued by Magistrate Judge Whalen. The Report and Recommendation (ECF No. 26), dated April 16, 2019, recommends that Plaintiffs' complaint be dismissed without prejudice under the abstention doctrine outlined by the Supreme Court in *Younger v. Harris*, 401 U.S. 37 (1971), and that Plaintiffs' requests for injunctive relief be denied because they are barred by the Anti-Injunction and Tax Injunction Acts. For the reasons described below, this Court will accept and adopt the Magistrate Judge's Report and Recommendation and dismiss the complaint without prejudice.

¹ Plaintiffs' complaint also lists unidentified Genesee County employees, subsidiaries, and affiliates as Defendants. ECF No. 1.

DISCUSSION

The Court has reviewed the Magistrate Judge's Report and Recommendation on Defendants' motion to dismiss. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections to the Report and Recommendations. The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. See *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's Report and Recommendation of April 16, 2019 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby ordered that Magistrate Judge Whalen's Report and Recommendation of April 16, 2019 is **ACCEPTED** and **ADOPTED**. Accordingly, Defendants' motion to dismiss this case is **GRANTED** and the complaint will be **DISMISSED WITHOUT PREJUDICE**. The remaining pending motions, Plaintiffs' motion for preservation of intent to file federal suit (ECF No. 18), and motion for injunction on parcels (ECF No. 19), are **DENIED** as moot.

SO ORDERED.

Dated: May 10, 2019

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on May 10, 2019, using the CM/ECF system, which will send notification to all parties.

s/Amanda Chubb
Case Manager